IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

1.CIVIL WRIT No. 1648 of 2007

SITA RAM
V/S
D.J.CHURU & ANR.

2. CIVIL WRIT No. 1645 of 2007

SITA RAM
V/S
D.J.CHURU & ANR.

Mr. CHAITANYA GAHLOT, for the appellant / petitioner

Date of Order : 20.7.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner.

Perused the impugned orders.

The learned trail court has found that last page of the written statement is signed by the petitioner defendant, and all other pages are signed by the advocate, and therefore, it cannot be struck off.

It was argued that registered notice was given to the advocate about his act of misfeasance of filing written statement of consent without his being appointed as advocate but then in Writ Petition No. 1648 the impugned order does not even speak of any such notice. Of course, in

Writ No. 1645 the photo stat copy of the said notice is produced before this Court but then a look at that notice shows that therein it is admitted that Vakalatnama was signed, and it is also alleged that he signed some eight blank papers, and it is alleged in that notice that Vakalatnama, and the blank papers should not be used while admittedly written statement had been filed earlier.

In the totality of circumstances, the petitioner may have his remedies against the advocate who may have acted contrary to petitioner's instructions as alleged but then the impugned order does not require any interference. Reliance was placed before learned trial court on some circular of this Court, copy whereof was not produced before the learned trial court, and was not shown to me despite request.

Both these writ petitions have no force, and the same are, therefore, dismissed.

(N P GUPTA),J.

/sushil/